

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DELBERT COBB,

Petitioner,

v.

E.K. McDANIELS, *et al.*,

Respondents.

Case No. 3:14-cv-00362-MMD-WGC

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner.

Petitioner has submitted an application to proceed *in forma pauperis*, a request for a stay, and a motion to expand the record. (Dkt. no. 1, 1-2, 1-3.). However, no petition has been submitted. Unless an issue of federal constitutional or statutory law is implicated by the facts presented, there is no cognizable claim under federal habeas corpus. *Estelle v. McGuire*, 502 U.S. 62, 68 (1991). As there is no petition filed in this action, it will be dismissed, without prejudice to filing a petition as a new action.


It is therefore ordered that this action is dismissed without prejudice for failure to present a habeas corpus petition.

It is further ordered that all pending motions, including the application to proceed *in forma pauperis* (dkt. no. 1), motion for a stay (dkt. no. 1-2), and motion to expand the record (dkt. no. 1-3) are denied.

It is further ordered that petitioner may file a petition, but any such petition must be opened as a new case. No further documents shall be filed in this case.

1 It is further ordered that the Clerk of Court shall enter judgment accordingly.

2
3 DATED THIS 27th day of October 2014.

4
5 
6 MIRANDA M. DU
7 UNITED STATES DISTRICT JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28